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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,149	03/10/2004	Makoto Shizukuishi	0649-0948P	2035
2292 7590 02/26/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGUYEN, LUONG TRUNG	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 02/26/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/796,149

Applicant(s)

SHIZUKUISHI, MAKOTO

Examiner

LUONG T. NGUYEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,10,11,13,14,16,17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9,12 is/are rejected.
- 7) ☒ Claim(s) 7,8,15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/04;11/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species II, illustrated in Figures 10-15, which reads on claims 1-4, 7-9, 12, 15 and 18 in the reply filed on 1/08/2008 is acknowledged.
2. Claims 5-6, 10-11, 13-14, 16-17 and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/08/2008.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claims 3, 7, 15 and 18 are objected to because of the following informalities:

Claim 3 (line 5), "the electric charge path" should be changed to --an electric charge path--.

Claim 3 (line 6), "the electric charge storage layer" should be changed to --an electric charge storage layer--.

Claim 7 (lines 13-14), claim 15 (lines 13-14), claim 18 (lines 13-14), "with a second" should be changed to --with the second--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tabei (US 4,514,755).

Regarding claims 1, Tabei discloses a CCD color solid-state image pickup device (imager, figure 6, column 9, lines 54-68) comprising:

a plurality of light-receiving sections (imager, figure 6, column 9, lines 54-68) arranged on the surface of a semiconductor substrate;

a vertical transfer path by way of which signal electric charges stored in electric charge storage sections of the respective light-receiving sections are read and transferred to a horizontal transfer path (since Tabei discloses a solid-state color imager in column 5, lines 24-25, column 6, lines 13-20, figure 2, a vertical transfer path and a horizontal transfer path are inherently included in the imager),

wherein the electric charge storage section of each of the light-receiving sections has a plurality of electric charge storage layers which are provided in a depthwise direction of the semiconductor substrate with potential barriers interposed therebetween (figures 2, 6-11d shows electric charge storage layers 103, 104 are provided in a depthwise direction; and noted

that since layers 103 and 104 detect different colors, a potential barrier is interposed between layers 103 and 104); and signal electric charges stored in the respective electric charge storage layers are read independently to the vertical transfer path (layers 103 and 104 detect color signal for reading out).

Regarding claim 4, Tabei discloses wherein the depths of the respective electric charge storage layers are set in accordance with wavelengths of incident light to be detected (figures 11a-11d, column 11, lines 20-42).

Regarding claim 12, Tabei discloses wherein the light-receiving sections are arranged in a square solid pattern on the surface of the semiconductor substrate (figure 6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabei (US 4,514,755) in view of Merrill (US 7,132,724).

Regarding claim 2, Tabei fails to disclose wherein an electric charge path, which causes electric charges stored in the electric charge storage layers to migrate to the surface of the semiconductor substrate and is formed from a heavily-doped impurity region, is provided in an electric charge storage layer from among the plurality of electric charge storage layers, the electric charge storage layer being provided in the semiconductor substrate.

However, Merrill discloses an electric charge path, which causes electric charges stored in the electric charge storage layers to migrate to the surface of the semiconductor substrate and is formed from a heavily-doped impurity region, is provided in an electric charge storage layer from among the plurality of electric charge storage layers, the electric charge storage layer being provided in the semiconductor substrate (region 134 provides access to red detector layer 116, region 136 provides access to green detector layer 126; figure 9, column 8, line 8 – column 9, line 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Tabei by the teaching of Merrill in order to provide a complete-charge transfer vertical-color-filter detectors which has advantage of minimizing or eliminating the need for interpolation as require by the Bayer patterns since each pixel location in the array measures three spectral components at the same location (column 4, line 64 - column 5, line 1).

Regarding claim 3, Tabei fails to disclose wherein a concentration gradient is imparted such that the dopant concentration of the electric charge storage layers formed as heavily-doped impurity regions and the dopant concentration of the electric charge path continually connected

to the electric charge storage layer increase as the electric charge storage layer and the electric charge path approach the vertical transfer path.

However, Merrill discloses wherein a concentration gradient is imparted such that the dopant concentration of the electric charge storage layers formed as heavily-doped impurity regions and the dopant concentration of the electric charge path continually connected to the electric charge storage layer increase as the electric charge storage layer and the electric charge path approach the vertical transfer path (figure 9, column 8, lines 8-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Tabei by the teaching of Merrill in order to provide a complete-charge transfer vertical-color-filter detectors which has advantage of minimizing or eliminating the need for interpolation as require by the Bayer patterns since each pixel location in the array measures three spectral components at the same location (column 4, line 64 - column 5, line 1).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tabei (US 4,514,755) in view of Stavely (US 6,535,249).

Regarding claim 9, Tabei fails to disclose wherein on-chip light gathering optical systems are provided on upper portions of the respective light-receiving sections, and one opening of each light-shielding film corresponds to each of the light-receiving sections. However, Stavely teaches a digital camera optical system which comprises microlens 468 is mounted on the upper portion of electronic sensor 416 for gathering image light 422 and focuses it onto the smaller

width 488 of the light sensitive region 454 via an opening of light shields 440, 446, figure 8, column 5, lines 40-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Tabei by the teaching of Stavely in order to focus and direct image light toward the pixels in an electronic sensor (column 3, lines 18-20).

Allowable Subject Matter

10. Claims 7-8, 15, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Park et al. (US 5,877,040) discloses method of making charge-coupled device with microlens.

Merrill (US 7,164,444) discloses vertical color filter detector group with highlight detector.

Kobayashi et al. (US 4,829,368) discloses solid color pickup apparatus.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
02/19/08



LUONG T. NGUYEN
PATENT EXAMINER